IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1150 OF 2004

The State of Maharashtra ..Appellant

V/s.

Narendra Motilal Lukad ..Respondent

Mr.A.S.Shitole, APP for Appellant/State.

Coram : R.S.Mohite,J

Date :10th January, 2006.

PC

1. This is an appeal filed by the State impugning a judgment and order passed by the JMFC, Malegaon on 4.6.2004 acquitting the accused for offences punishable under Sections 3 & 7 of the Essential Commodities Act. On perusal of the impugned judgment it can be seen that the same is passed on cogent and acceptable reasons. It was the case of the prosecution that the accused had brought goods such as rice and wheat meant for rationing and kept in a godown where it was seized. He was indulging in black marketing of these goods. It is observed by the Court that the prosecution had not led any evidence to show that the wheat and rice seized was from the government godown and was meant for rationing. Besides, no evidence was led to show

that the accused was selling wheat and rice at excess price. There was no document on record to show that the accused was entitled to store the goods at his shop only at Agar and was not entitled to stock the goods in the godown. In the circumstances, not a fit case to interfere. Hence leave is refused and consequently appeal stands dismissed.

(R.S.Mohite,J)